

Oakland County Circuit Court Judges Warren,  
Matthews, Langton, and Gorcyca

We thank you for the opportunity to offer input regarding the pending proposal regarding Continuing Judicial Education Rules (ADM File No. 2019-33: Proposed Rescission of Administrative Order No. 2021-7 and Proposed Adoption of the Michigan Continuing Judicial Education Rules).

We offer a few observations for your consideration.

Time is our most precious resource. We have limited support. Over the last several years that we have had the privilege and honor to serve on the bench, the amount of time mandated to be spent on specific legal proceedings has substantially increased:

- Time guidelines have been implemented.
- Formerly straightforward rulings on sanctions and granting attorney fees have turned into their own mini-trials, followed by exacting appellate review.

- 6.500 Motions are now 50 pages long, and there are now more opportunities for defendants to file them.
- Despite the fact that the sentencing guidelines are advisory, the amount of scrutiny placed on sentences has only increased — requiring further elaboration on the record of various factors.
- Juveniles have been entitled to resentencing with lengthy and comprehensive evidentiary hearings.
- Every Juvenile NA case requires 3 separate trials — all within very short guidelines.
- Ex parte PPOs have increased.
- The Court of Appeals has recently issued a new case directive that judges are now to make detailed written findings on reasons for denying all PPO's.
- Family court judges are basically holding hearings every single day.

- 18 year olds are no longer treated as adults for criminal sentencing — which likely will create a new cottage industry.
- Applications to set aside convictions have exponentially exploded — sometimes taking up to a third of the motions on any given motion call.
- Setting the terms of probation, and revoking probation, has become more complicated and time-consuming.
- There are now an influx of motions to terminate probation.
- Higher courts appear be more inclined to order the trial courts to hold evidentiary hearings with 56 days (or other quick timeframes).
- Trial courts are required to undergo a detailed balancing test just to decide if any particular proceeding is going to be held in person or remotely.
- “Red Flag Laws” have just been implemented, which include tight timeframes and substantial evidentiary hearings.

Meanwhile, judges have had to adjust to e-filing and various other new technologies. The long promised case management system will undoubtedly require additional adjustments.

For those of us who are involved with the Michigan Judges Association or similar efforts, attending to these duties and the docket is a delicate balancing act.

Moreover, obviously more is on the horizon. For example, (1) bail reform (at any given time, Oakland Circuit Court judges have between 50-100 criminal cases, all with bond decisions), (2) “second look” legislation (in Oakland County, there are about over 600 10+ year sentences on over 1900 charges - that’s about over 46 sentences per judge). These will all be very time consuming and some will be remarkably time sensitive.

We have also been encouraged to take time for our own mental health. Juneteenth is now a national holiday.

As the MJA Outreach Committee can attest, the judiciary is coming under increasing attack with a

loss of civility and respect which was only exacerbated by COVID and the prevalence of remote proceedings.

Truthfully, many trial judges are discouraged as the demands of the office increase. Morale is sinking.

We also have a mandatory two day judicial conference every year. Why the mandatory judicial conference fully in control of the Supreme Court is insufficient is unclear. After all, the Supreme Court establishes the programming. Meanwhile judges — but not lawyers — will be required to take additional continuing legal education.

Judicial Education is a fine concept. However, the proposal of 3 more full days of legal education every 2 years places more demands on the trial courts. We have cases to try and hearings to hold in a timely fashion. PPO applicants, victims, children in the middle of custody disputes, and imprisoned defendants will not be understanding when cases are delayed because we had to attend a conference.

The mandatory 3 days times 556 trial court judges = 1,668 lost days (over 40,000 hours) of trial

court every two years. We also suspect that the Court of Appeals, the Supreme Court, and the public at large will not excuse tardy decisions because we had to attend a conference.

We suggest (1) changing the time guidelines, (2) eliminating or scaling back the amount of time required for judicial education, and/or (3) hiring more trial judges.

Thank you in advance for your thoughtful consideration.

Very truly yours,

Hon. Michael Warren  
Hon. Cheryl Matthews  
Hon. Lisa Langton  
Hon. Lisa Gorcyca